

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE MITCHELL LAW GROUP,

No. C-09-3466 MMC

Plaintiff,

v.

**ORDER DENYING DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
EXHIBITS UNDER SEAL; DIRECTIONS
TO CLERK; DIRECTIONS TO
DEFENDANTS**

OCC VENTURE LLC,

Defendant

Before the Court is defendants OCC Venture LLC and Shorenstein Realty Services, L.P.'s Administrative Motion to File Exhibits Under Seal, filed May 6, 2010. Plaintiffs have not filed a response.¹ Having read and considered defendants' motion, the Court rules as follows.

To the extent the motion seeks an order sealing Exhibit G to the Declaration of Paul F. Utrecht, the motion is hereby DENIED. The exhibit is a copy of a transcript of proceedings conducted in state court during which the parties placed on the record the terms of a settlement, and the transcript was not sealed by the state court.

To the extent the motion seeks an order sealing Exhibits H and I to the Declaration of Paul F. Utrecht, the motion is hereby DENIED. The exhibits are unexecuted written

¹Defendants attached to a declaration filed in support of the instant motion a copy of an e-mail sent to them by counsel for plaintiffs in which plaintiffs set forth their position with respect to the motion.

1 drafts of the parties' settlement agreement. As stated above, the essential terms of the
2 parties' agreement were placed on the record in open court, and defendants have not
3 pointed to any language in either draft that was not placed on the record and which is itself
4 sealable within the meaning of Civil Local Rule 79-5.²

5 Accordingly, the administrative motion is hereby DENIED.

6 Should defendants wish Exhibits G, H, and/or I to become part of the record,
7 defendants are hereby DIRECTED to electronically file such exhibits in the public record no
8 later than May 26, 2010. See Civil L.R. 79-5(e).

9 The Clerk is hereby DIRECTED to follow the procedure set forth in Civil Local Rule
10 79-5(e) with respect to the lodged originals and copies of Exhibits G, H, and I.

11 **IT IS SO ORDERED.**

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13 Dated: May 20, 2010

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MAXINE M. CHESNEY
United States District Judge

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27 ²Although not relevant to resolution of the instant administrative motion, the Court
28 notes that defendants do not cite to either Exhibits H or I in their memorandum of points
and authorities in support of their pending motion for summary judgment, and,
consequently, the relevance of the contents of the drafts is not apparent.